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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,404	08/30/2001	Douglas L. Sorensen	884.438US1	8246
7590	05/23/2006		EXAMINER	
Eric S. Hyman, Esq. BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard, Seventh Floor Los Angeles, CA 90025			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/943,404	SORENSEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Mylinh Tran	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19, 21 and 22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 and 21-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/10/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Banning et al. [US. 5,421,008].

As per claims 1, 11, 19 and 21, Li teaches a computer implemented method and corresponding system for explaining search logic and results, comprising the steps/means: presenting a presentation model (100 of fig. 3A) to explain how a system model (100 of fig. 3A) relates a plurality of search input elements ("Select \* From CD-Sales" in Query Window 101 of fig. 3A) to a comparison element ("Price < 10", "Price < 14", "Name = BIG", and "store = "Fast Sales" in Query Window 101 of fig. 3A), wherein the system model is used to determine a first search result (107 of fig. 3A); presenting how the system model is related to the comparison element (104 of fig. 3A); and presenting a relative importance of the system model in comparison with the comparison element (Graph Window 102 shows how important the system model is in comparison with the comparison element in the Query Window 101).

Li does not disclose the comparison element is selected from a list of potential comparison elements. Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Li's system since it would have made it easier and faster to create comparison element.

As per claim 2, Li teaches presenting how parts of the system model are related to parts of the comparison element (Query 1 and Query 2 of fig. 3A and 3B respectively).

As per claim 3, Li teaches presenting a relative importance of the parts of the system model in comparison with parts of the comparison element (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 4, Li teaches presenting how parts of each of the plurality of search input elements are related to parts of the system model (Query 1 and Query 2 of fig. 3A and 3B respectively).

As per claim 5, Li teaches presenting a relative importance of the parts of the plurality of search input elements in comparison with the parts of the system model (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 6, it is inherent that Li's system saves the system model (query structure).

As per claims 7, 13, and 22, Li teaches: receiving a modification to the plurality of search input elements to create a new plurality of search input elements (fig. 3D; col. 6, lines 10-11); determining at least a second search result (14 of fig. 3D); updating the system model to create a new system model incorporating the modification (100 of fig. 3D); presenting how the new system model is related to the comparison element (142 of fig. 3D); and presenting a new relative importance of the new system model in comparison with the comparison element (102 of fig. 3D).

As per claim 8, Li teaches a machine for explaining search logic and results, comprising: a processor (22 of fig. 2); a storage device coupled to the processor (26 of fig. 2); a search component storable on the storage device and executable on the processor to accept at least one search input element ("Select \* From CD-Sales" of fig. 3A) and determine a first search result using a system model

(results 107 of fig. 3A); and a presentation component storable on the storage device and executable on the processor to create a presentation of a presentation model relating the system model to one of the first search result (102 and 103 of fig. 3A).

Li does not disclose the comparison element is selected from a list of potential comparison elements. Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Li's system since it would have made it easier and faster to create comparison element.

As per claim 9, Li teaches: the processor is a server (col. 3, lines 14-24); and further wherein the processor is capable of receiving the at least one search input element from a client (col. 3, lines 28-33).

As per claim 12, Li teaches: presenting a contribution of parts of the comparison element to parts of the system model (Query 1 and Query 2 of fig. 3A and 3B respectively); and presenting a relative importance of parts of the system model in comparison with parts of the comparison element (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 16, Li teaches the application is a database application (col. 1, lines 64-67).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Banning and further in view of Hsu (US 6,374,079).

As per claim 10, Li does not disclose the processor is capable of communicating in a wireless Internet environment. Hsu teaches a processor is adapted as an entry point onto network for wireless users having wireless Internet services (col. 7, line 63 - col. 8, line 8). It would have been obvious to an artisan at the time of the invention to use the teaching from Hsu of processor capable of communicating in a wireless Internet environment in Li's system since it would be convenient and easy to adapt to wireless Internet technology.

Claims 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Banning and further in view of applicant's admitted prior art.

As per claims 14, 15, 17, and 18, Li does not disclose his explaining search queries are applied to electronic mail, Internet search engine, e-commerce, and document management. These features are taught by applicant's admitted prior art. It would have been obvious to an artisan at the time of the invention to modify Li's explaining search queries to implement in electronic mail, Internet search

engine, e-commerce, and document management systems since it would have presented an overview of search presentation to users.

***Response to Arguments***

Applicant argued the following:

- (a) Li does not disclose either a "presentation model" or a "system model" as claimed.
- (b) Li does not make any efforts to explain how the query is processed to arrive at the result.

© Office Action is taken to be admitted prior art.

Examiner disagree for the following reason:

- (a) Applicant's arguments have been fully considered but they are not persuasive.  
As claimed by the independent claims, the "presentation model" is used to explain how a system model relates a plurality of search input elements to a comparison element. The presentation shown in figure 3A is clearly a "presentation model" that includes three windows Query Window 101, Graph Window 102 and Tree Window 103. These three windows are used to explain (in query structure 101, tree hierarchical 103 and graph 102) how a search structure (or system model) relates a plurality of search input elements (e.g., search input elements from table CD-Sales) to a comparison element (e.g., "Price > 10", "Price < 14", "Name = BIG" and "store = Fast Sales"). Also, as claimed by the independent claims, the "system model" is used to determine a search result. In this case, the system model is merely a search structure such as the Query 1 in window 101 of figure 3A that is

used to determine a search result 107. Therefore, Li clearly teaches a "presentation model" and a "system model" as claimed.

As indicated in Applicant's responses, a system model is "a collection of data and control concepts used in the software running on the computing device, such as a search profile" while a presentation model is " a way of envisioning the process of executing the search, which is how the computing device does the search, how the user conceptualizes the search, which is how the computing device does the search, how the user conceptualizes the search".

Figure 3A is the process of executing the search that including the Query Window and the results. In order to obtain the results, the system has to compute the search by processing the search queries.

Also, Figure 3A is a collection of data and a search profile.

The Applicant does not specify the invention in the claimed language. The claimed language itself "presentation model" and "system model" are broad terms and does not specify the invention. They are not clearly enough to describe "presentation model" and "system model" of the specification.

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once

issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Therefore, Li still reads over the claimed language itself "presentation model" and "system model".

(b) Li et al. show to explain how the query is processed to arrive at the result. The three windows Graph Window, Query Window and Tree Window are used to explain (in query structure 101, tree hierarchical 103 and graph 102) how a search structure (or system model) relates a plurality of search input elements (e.g., search input elements from table CD-Sales) to a comparison element (e.g., "Price > 10", "Price < 14", "Name = BIG" and "store = Fast Sales").

The claimed language itself "to explain how a system model relates a plurality of search input elements" is a broad term and does not specify the invention.

© The background of the specification teaches the application being an electronic mail application, an Internet search engine, a database application and an e-commerce application at page 1, 0001.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER